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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,707	01/08/2004	Rebecca Beaman	112056-0162	6300
24267	7590	06/13/2006	EXAMINER	
CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			WILSON, YOLANDA L	
			ART UNIT	PAPER NUMBER
			2113	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,707

Applicant(s)

BEAMAN ET AL.

Examiner

Yolanda L. Wilson

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/02/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 18 recite 'means for determining configuration settings... means for determining if one or more components... means for presenting a report...'. These claims merely recite a program per se, which is not permissible under the Examination Guidelines for Computers - Related Inventions.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 22,23 recite the limitation "the storage systems". There is no previous recitation of this limitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6,9-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Brisse (US Publication Number 2003/0055932A1). As per claim 1, Brisse discloses initiating a configuration verification program on at least one client to determine: (i) versions of components of the storage environment on page 4, paragraph 0043; (ii) configuration settings of components of the storage environment on page 4, paragraphs 0044,0045; and (iii) if one or more components of the storage environment have failed on page 4, paragraph 0049, lines 1-9; and presenting a report to a user identifying a set of warnings and errors with the configuration of the storage environment on page 4, paragraph 0049. The client is the computer on which the user is accessing the components from.
6. As per claim 2, Brisse discloses wherein the step of initiating the configuration verification program comprises the step of entering a command line interface command on page 2, paragraph 0026.
7. As per claim 3, Brisse discloses wherein components of the storage environment further comprise one or more storage systems on page 2, paragraph 0022.
8. As per claim 4, Brisse discloses wherein components of the storage environment further comprise one or more clients on page 3, paragraph 0031.
9. As per claim 5, Brisse discloses wherein components of the storage environment further comprise one or more network switches on page 2, paragraph 0022.

Art Unit: 2113

10. As per claim 6, Brisse discloses wherein components of the storage environment further comprise one or more interconnecting cables joining other components on page 3, paragraph 0033.

11. As per claim 9, Brisse discloses wherein the report further comprises a return code on page 4, paragraph 0049. The return code is the finding of any errors.

12. As per claim 10, Brisse discloses wherein the report further comprises a graphical representation of the configuration of the storage environment on page on page 4, paragraph 0049. The information is seen through a GUI.

13. As per claim 11, Brisse discloses wherein the graphical representation comprises representation of a version and current configuration of each component of the storage environment on page 4, paragraph 0049.

14. As per claim 12, Brisse discloses wherein an administrator initiates the configuration verification program on page 4, paragraph 0045.

15. As per claim 13, Brisse discloses further comprising the step of automatically correcting any of the set of warnings and errors detected on page 4, paragraph 00456.

16. As per claim 14, Brisse discloses further comprising the step of passing the warnings and errors to an expert system on page 4, paragraph 0045. The expert system is wherein the recommendation to the resolution of the problem comes from.

17. As per claim 15, Brisse discloses a configuration verification program executing on the client and adapted to determine versions of components of the storage environment on page 4, paragraph 0043, configuration settings of components of the storage environment on page 4, paragraphs 0044,0045 and if one or more components

Art Unit: 2113

of the storage environment have failed on page 4, paragraph 0049, lines 1-9. The client is the computer on which the user is accessing the components from.

18. As per claim 16, Brisse discloses wherein the configuration verification program is further adapted to present a report to a user identifying a set of warnings and errors with the configuration of the storage environment on page 4, paragraph 0049. The client is the computer on which the user is accessing the components from.

19. As per claim 17, Brisse discloses wherein the report comprises a graphical representation of the current configuration of the storage environment on pages 4-5, paragraph 0050.

20. As per claim 18, Brisse discloses a configuration verification program executing on the client and including means for determining versions of components of the storage environment on page 4, paragraph 0043; means for determining configuration settings of components of the storage environment on page 4, paragraphs 0044, 0045; means for determining if one or more components of the storage environment have failed on page 4, paragraph 0049, lines 1-9; and means for presenting a report to a user identifying a set of warnings and errors with the configuration of the storage environment on page 4, paragraph 0049. The client is the computer on which the user is accessing the components from.

21. As per claim 19, Brisse discloses wherein the report comprises a graphical representation of the current configuration of the storage environment on pages 4-5, paragraph 0050.

Art Unit: 2113

22. As per claim 20, Brisse discloses wherein the means for determining configuration setting of components comprises means for remotely logging into each of the components of the storage environments on page 4, paragraph 0043.

23. As per claim 21, Brisse discloses determining versions of components of the storage environment on page 4, paragraph 0043; determining configuration settings of components of the storage environment on page 4, paragraphs 0044,0045; determining if one or more components of the storage environment have failed on page 4, paragraph 0049, lines 1-9; and presenting a report to a user identifying a set of warnings and errors with the configuration of the storage environment on page 4, paragraph 0049.

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 7,8,22,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisse in view of Heitman et al. (USPN 6920494B2). As per claims 7, Brisse fails to explicitly state further comprising the step of remotely accessing each of the storage system by the configuration verification program to determine the version of a storage operating system executing on the storage system.

Heitman et al. discloses this limitation in column 25, lines 25-28.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the step of remotely accessing each of the storage system by the configuration verification program to determine the version of a storage operating system executing on the storage system. A person of ordinary skill in the art would have been motivated to have the step of remotely accessing each of the storage system by the configuration verification program to determine the version of a storage operating system executing on the storage system because discovering information concerning storage elements of the SAN helps to determine the health of the SAN.

26. As per claims 8,23, Brisse fails to explicitly state wherein the step of remotely accessing each of the storage systems comprises the step of sending a remote application program interface command to the storage system.

Heitman et al. discloses this limitation in column 24, lines 38-43. The command is provided by the agents sent to obtain the information.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have wherein the step of remotely accessing each of the storage systems comprises the step of sending a remote application program interface command to the storage system. A person of ordinary skill in the art would have been motivated to wherein the step of remotely accessing each of the storage systems comprises the step of sending a remote application program interface command to the storage system because these commands are used to help determine the health of the storage system.

Art Unit: 2113

27. As per claim 22, Brisse fails to explicitly state wherein the step of determining versions of the components of the storage environment further comprises the step of remotely accessing each of the storage system by the configuration verification program to determine the version of a storage operating system executing on the storage system.

Heitman et al. discloses this limitation in column 25, lines 25-28.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the step of remotely accessing each of the storage system by the configuration verification program to determine the version of a storage operating system executing on the storage system. A person of ordinary skill in the art would have been motivated to have the step of remotely accessing each of the storage system by the configuration verification program to determine the version of a storage operating system executing on the storage system because discovering information concerning storage elements of the SAN helps to determine the health of the SAN.

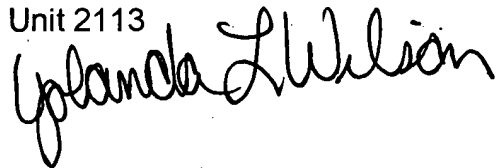
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda L. Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2113

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yolanda L Wilson
Examiner
Art Unit 2113

A handwritten signature in black ink that reads "Yolanda L Wilson". The signature is written in a cursive, flowing style.